

By: Dutton

H.B. No. 2634

A BILL TO BE ENTITLED

AN ACT

relating to enforcement of child support obligations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 157.105, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The court may require the respondent to appear before the court under Subsection (a) through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that the method of appearance will facilitate the hearing.

SECTION 2. Section 157.163, Family Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The court may conduct a hearing on the issue of indigency through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing.

SECTION 3. Section 157.317(a), Family Code, is amended to read as follows:

(a) A child support lien attaches to all real and personal property not exempt under the Texas Constitution or other law, including:

- (1) an account in a financial institution;
- (2) a retirement plan, including an individual retirement account;

(3) the proceeds of an insurance policy, including the proceeds from a life insurance policy or annuity contract and the proceeds from the sale or assignment of life insurance or annuity benefits, a claim for compensation, or a settlement or award for the claim for compensation, due to or owned by the obligor; ~~and~~

(4) property seized and subject to forfeiture under Chapter 59, Code of Criminal Procedure; and

(5) the proceeds derived from the sale of oil or gas production from an oil or gas well located in this state.

SECTION 4. Subchapter A, Chapter 158, Family Code, is amended by adding Section 158.012 to read as follows:

Sec. 158.012. WITHHOLDING OF OIL AND GAS PROCEEDS. The provisions of this chapter relating to withholding by an employer of the earnings of an obligor apply in the same manner, to the extent applicable, to a person who provides to an obligor proceeds derived from the sale of oil or gas production from an oil or gas well located in this state.

SECTION 5. Section 91.402(b), Natural Resources Code, is amended to read as follows:

(b) Payments may be withheld without interest beyond the time limits set out in Subsection (a) if:

(1) ~~[of this section when]~~ there is:

(A) ~~[(1)]~~ a dispute concerning title that would affect distribution of payments;

(B) ~~[(2)]~~ a reasonable doubt that the payee:

(i) ~~[(A)]~~ has sold or authorized the sale of its share of the oil or gas to the purchaser of such production;

1 or

2 (ii) [~~(B)~~] has clear title to the interest in
3 the proceeds of production; or

4 (C) [~~(3)~~] a requirement in a title opinion that
5 places in issue the title, identity, or whereabouts of the payee and
6 that has not been satisfied by the payee after a reasonable request
7 for curative information has been made by the payor; or

8 (2) the payments are subject to a child support lien
9 under Chapter 157, Family Code, or an order or writ of withholding
10 issued under Chapter 158, Family Code.

11 SECTION 6. The change in law made by this Act to Section
12 157.317, Family Code, applies only to a child support lien notice or
13 suit filed on or after the effective date of this Act. A child
14 support lien notice or suit filed before the effective date of this
15 Act is governed by the law in effect on the date the lien notice or
16 suit was filed, and the former law is continued in effect for that
17 purpose.

18 SECTION 7. Section 158.012, Family Code, as added by this
19 Act, applies only to an order or writ of withholding issued on or
20 after the effective date of this Act. An order or writ of
21 withholding issued before the effective date of this Act is
22 governed by the law in effect at the time the order or writ was
23 issued, and the former law is continued in effect for that purpose.

24 SECTION 8. This Act takes effect September 1, 2017.